

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ABBOTT LABORATORIES, ET AL.,
PRETERM INFANT NUTRITION PRODUCTS
LIABILITY LITIGATION**

MDL NO. 3026

Master Docket No. 1:22-cv-00071

This Document Relates to:

Hon. Rebecca R. Pallmeyer

ALL ACTIONS

ORDER REGARDING SCIENCE DAY PRESENTATIONS

On May 3, 2023 at 9:30 a.m. Central Standard Time, the Parties will make “Science Day” presentations to the Court, providing the Court with an overview of general medical and scientific issues in this litigation. By agreement of the Parties, the Court directs that the medical and scientific presentations be made in a non-adversarial manner, as set forth here:

1. Plaintiffs collectively and Defendants collectively will each make presentations of no more than 90 minutes.
2. All presentations will be made by attorneys, with no witness testimony or presentations by experts and no cross-examination. The Court will have the opportunity to ask questions during or after each presentation.
3. The presentations will be limited to a general overview of how formula and fortifiers are used, the challenges of prematurity and low birthweight infants, the benefits of formula and fortifiers, and the general science of why formula and fortifiers do or do not cause NEC, including other causes of NEC.
4. The presentations shall not include any reference to case law or evidentiary standards.
5. Each side may refer to up to five peer-reviewed studies, and will make copies of such studies available to the Court no later than noon on April 28, 2023.

6. The presentations may incorporate the use of PowerPoints or other demonstrative aids, which will not be exchanged by the Parties, but which will be provided to the Court on Science Day, as well as to any state-court judges who attend at the Court's invitation. The Federal Rules of Evidence will not be enforced.

7. Because the Science Day presentations are purely for the Court's benefit to gather background medical and scientific information, the Court session shall be "off the record," closed to the public and to any persons other than the Parties, counsel for the Parties who have entered an appearance in this MDL or any case in the MDL or in related cases in Illinois state court, any state-court judges invited by the Court, and court staff. There will be no court reporter or transcript taken. No recording of the presentation or telephonic or remote access will be permitted, except to the extent the Court determines such access is appropriate for any judge it has invited.

8. No PowerPoints or other demonstrative aides nor any statement or presentation during Science Day shall be discoverable, admissible, used in any fashion in this MDL or any case in the MDL, shared beyond the MDL, or used for any purpose other than for this Court's benefit to gather informal knowledge at Science Day.

ENTER:

Dated: March 9, 2023


REBECCA R. PALLMEYER
United States District Judge